

**SEVENTY-FIRST DAY—(Cont'd).**

Senate Chamber,  
Austin, Texas.  
May 10, 1933.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

**Bill Introduced.**

By unanimous consent the rule relating to the introduction of general bills after the first 52 days of the session was suspended and consent was granted to introduce the following bill:

By Senator Small:

S. B. No. 552, A bill to be entitled "An Act conferring additional powers on the boards of trustees of independent school districts situated in counties having a population according to the latest Federal census of more than 22,000 and less than 22,100, by providing that the boards of trustees of such districts may issue refunding warrants in lieu of eligible vouchers as defined herein, issued prior to January 1, 1932, prescribing the duties of the boards of trustees in reference to the issuance of said refunding warrants, expressly authorizing and validating said outstanding eligible vouchers and refunding warrants issued in lieu thereof, prescribing the duties of such boards of trustees in reference to the levying and collecting taxes to pay the principal and interest of said refunding warrants, and declaring an emergency."

Read and referred to Committee on Educational Affairs.

**S. C. R. No. 63.**

Senator Holbrook sent up the following resolution:

Whereas, On July 18, 1932, a treaty was signed by the Dominion of Canada and the United States relating to the proposed St. Lawrence Waterway, which has for its purpose to provide navigation from the Great Lakes to the Atlantic Ocean with a minimum depth of twenty-seven feet, sufficient for ocean carrying vessels; and

Whereas, This project will involve an expenditure on the part of the United States in excess of \$272,000,000, and in addition to providing the waterway named, it will provide

facilities for generating 5,000,000 horsepower in electric energy, of which 4,000,000 will be assigned to Canada and 1,000,000 to the United States; and

Whereas, This treaty has been largely fostered by the Dominion of Canada to build up its own shipping industries, leaving that of the United States only incidental to the main project. This fact is evidenced by the energetic manner in which the Dominion has been for the past several years engaged in the completion of the Welland Canal, which connects Lake Erie with Lake Ontario; and

Whereas, This treaty which was signed is now pending in the Senate of the United States for approval, and if approved, it will not only involve the United States in a vast expenditure of money largely beneficial to the Dominion in that it will facilitate the marketing of Canadian wheat, which even now approximates seventy-five per cent of the American wheat exported, all of which expenditure on the part of this government will be taxed against our people to help their greatest competitor move its wheat abroad; and the industrial workers in this country, in addition to this, will be taxed for the privilege of allowing pulpwood from Sweden and steel and iron ore from Norway and a vast number of products from Russia to be dumped in the heart of this country to the detriment and ruination of our own industries; and

Whereas, Diversion of this traffic through the Great Lakes-St. Lawrence Waterway proposed by this treaty will, in addition to these enormous expenditures on the part of the United States Government, seriously injure our established rail lines; and

Whereas, In addition to all of this, hundreds of millions of dollars are invested in this country both upon the North Atlantic and the Gulf Coast in building up our ports in order to facilitate the shipping of our products to foreign countries, and any advantages in the lowering of freight rates through the Great Lakes-St. Lawrence Waterway and subsidized by our government will undoubtedly give our foreign competitors a decided advantage over our American products and American producers. The effect will be an increased acreage of Canadian wheat, with corresponding lowering of American prices; and

Whereas, The gulf ports of Texas have heretofore been handling a great majority of wheat and other products produced in the Middle West, which, upon the completion of this proposed waterway, will be directed in that channel, and will be of serious, if not disastrous consequence to all our ports; and with foreign governments establishing reprisals and restrictions against American products in retaliation against the high tariff imposed against their products, there is no record in the recent past of any American port that has been able to operate profitably; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That in view of the facts related above, and the certainty of a great portion of the grain and other products of the Middle West going through this proposed channel, if and when completed, that we seriously object to the approval of this treaty, and request the Secretary of the Senate and the Chief Clerk of the House of Representatives to send a copy of this resolution to each of the United States Senators from Texas, with request that they, and each of them, do all in their power to prevent the approval of this treaty, which in our judgment will be a serious setback to all American ports and especially to those of the Gulf Coast region.

HOLBROOK.

Read and referred to Committee on Federal Relations.

#### S. C. R. No. 64.

Senator Small sent up the following resolution:

Whereas, Section 3 of House Bill 358, Acts of the Forty-second Legislature, page 452, defines surveyed lands as being all tracts or parts of tracts heretofore surveyed either on the ground or by protraction, and set apart for the public school funds and which is unsold, and for which field notes are on file in the General Land Office or which may be delineated on the map as such and defines unsurveyed land "to be all areas not included in surveys on file in the General Land Office or surveys delineated on the maps thereof," and Section 8 provides that "all unsold public free school land, both surveyed and unsurveyed, shall be subject to

lease by the Commissioner to any person, firm or corporation for the production of the minerals," etc., in accordance with the provisions of this Act and subdivision 2, Chapter 4 Title 86, Revised Statutes of 1925, relating to leasing public areas, in so far as same is not in conflict herewith," and then further provides that "any person who discovers an unsurveyed area of school land which has not been listed on the records of the Land Office as school land, and is not in actual conflict on the ground with land previously sold or appropriated and which appears on the official Land Office map as unsurveyed land, may apply in writing to the county surveyor to have the same surveyed, etc," and

Whereas, The above recited provisions of said law are conflicting and contradictory in that the language "and which appears on the Land Office map as unsurveyed land" is in conflict with provisions thereof which declare that all public school land, both surveyed and unsurveyed shall be subject to lease under the provisions of the Act and it was intended and it is now intended that all public school lands, both surveyed and unsurveyed, owned by the school fund shall be subject to lease under the provisions of said Act. Now, therefore, be it

Resolved by the State Senate of the State of Texas, the House of Representatives concurring, That "unsurveyed land" within the meaning of said Act is all land which is not included in the fieldnote description of any areas sold, appropriated or patented by the State. Be it further

Resolved, That an application for survey under the provisions of said Act shall be sufficient if it point to the location of the areas sought to be surveyed and the surveyor's fieldnotes describing the area shall be considered and identifying the area applied for if any boundary thereof called for in the application coincides with the fieldnotes as returned to the Land Office, and in all cases where a survey has been or may hereafter be made and the fieldnotes thereof returned to the Land Office in one hundred days of the date of filing the application for survey with the county surveyor or licensed land surveyor, the fieldnotes so returned,

and/or corrections thereof shall control the description for all purposes and shall relate back to the filing of the application with the surveyor and fix a vested right in the applicant to a lease where the original field notes were returned to the Land Office in one hundred days after the application is filed with the surveyor. Be it further

Resolved, That the Commissioner of the General Land Office be and he is hereby authorized to lease the undivided interest owned by the State in all lands belonging to the school funds, to any person, firm or corporation for the royalty fixed in Section 10 of the said Act together with such other consideration as may be fixed by the Commissioner and the applicant for lease thereon shall have the same vested preference rights as is given to applicants for leases on unsurveyed areas. Be it further

Resolved, That all applications to purchase or lease school land which have not been acted on by the Land Commissioner shall become barred by limitation one year after the rejection of the application by the Commissioner of the General Land Office, and also such which have been rejected shall become barred six calendar months after the signing of this resolution by the Governor and no suit shall thereafter be maintainable in any court.

SMALL.

Read and referred to Committee on Public Lands and Land Office.

#### Message From the House.

Hall of the House of Representatives,  
Austin, Texas, May 10, 1933.

Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 329, A bill to be entitled "An Act to amend Sections 7, 20, 23, and 24 of Chapter 65, General and Special Laws, Forty-first Legislature, First Called Session, and Sections 16 and 17 of Chapter 65, General and Special Laws, Forty-first Legislature, First Called Session, as amended by Chapter 15, General Laws, Forty-first Legislature, Fifth Called Session, and Section 28 of Chapter 65, General and Special Laws, Forty-first Legislature, First Called Session, as amended by Chapter 62,

General Laws, Forty-first Legislature, Second Called Session, relating to regulating the avocation and art of barbering, prescribing such sanitary rules and regulations in order to insure the proper sanitary conditions, and to prevent the spreading of diseases, etc., and declaring an emergency."

H. B. No. 464, A bill to be entitled "An Act to simplify the operations of the Executive Department of the State government by abolishing certain offices, boards, departments, commissions, and institutions; creating others; redistributing the powers, duties, and functions of the Executive Department among such offices, boards, commissions and departments as are herein created or hereby retained; defining such powers, duties and functions and coordinating them; fixing terms of office, methods of appointment and election, duties, and qualifications of offices and positions, and providing the methods of fixing the compensation thereof; repealing all laws and parts of laws in conflict herewith, and for other purposes."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Senate Bill No. 24.

The question recurred upon S. B. No. 24.

Senator Woodward sent up the following substitute for the bill:

#### A BILL

#### To Be Entitled

An Act amending Chapter 97 of the Acts of the Regular Session of the Forty-first Legislature of 1929 fixing the scholastic age of pupils in the public free schools, increasing the minimum school age from six to seven years, and amending Chapter 20 of the Acts of the First Called Session of the Forty-second Legislature of 1931 so as to provide free tuition for pupils over seven years of age and not over twenty-one years of age in certain school districts, and to provide for length of terms to be allowed transfer pupils and to provide for part time schools, continuation schools and evening schools for the purpose of better educating adults, defining the meaning of high school grades,

repealing all laws in conflict with said Chapter 97 of the Acts of the Regular Session of the Forty-first Legislature, and repealing all laws in conflict with Chapter 20 of the Acts of the First Called Session of the Forty-second Legislature, and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. Chapter 97 of the Acts of the Forty-first Legislature of 1929 at its Regular Session in 1929 be and the same is hereby amended so as to hereafter read as follows:

"Art. 2902. All children, without regard to color, over seven years of age and under eighteen years of age at the beginning of any scholastic year, shall be included in the scholastic census and shall be entitled to the benefit of the public school fund for that year. The board of school trustees of any city or town or independent or common school district shall admit to the benefits of the public schools any person over seven and not over twenty-one years old at the beginning of the scholastic year, if such person or his parents or legal guardian reside within said city, town or district."

Sec. 2. That Chapter 20 of the Acts of the First Called Session of the Forty-second Legislature in 1931 known as S. B. No. 41, be amended so as to hereafter read as follows:

"The board of trustees of any common or independent school district, whether organized by general or special law, which levies and collects a maintenance tax for the purpose of supplementing the available school fund received from the State and county shall admit into the public schools of the district free of tuition, all persons who are over seven and not over twenty-one years old at the beginning of the scholastic year, if such person or his parents or legal guardian reside within said common or independent school district."

Sec. 3. In the event such district as is mentioned in section two of this Act fails to provide high school instruction in the proper grade for any such resident pupil, the board of trustees shall pay a reasonable rate of tuition for such pupils in any other public high school of this

State or of any other state if the public high school in the other state is located in a district contiguous to the State line and is more convenient to the student than a Texas public high school; provided that if the school district is unable to pay said tuition and also maintain an efficient elementary school as determined by the county board of trustees approved by the State Board of Education, the tuition or such part thereof as may be necessary, shall be paid by the State of Texas.

Sec. 4. All such high school pupils as are subject to transfer under the transfer laws of this State shall be transferred and the receiving district shall grant free tuition to such transferred pupils for the length of term the State and county funds support the public schools of the race to which such transferred pupil belongs, such free school term for such pupil to begin with the date such transferred pupil enters the school of the receiving district.

Sec. 5. High school grades within the meaning of this Act shall include the upper four grades in a public school system of eleven or twelve grades and shall not include school work of college rank.

Sec. 6. By the amendments to the Acts hereinabove specified which changes the minimum scholastic age from six years to seven years, is not to be construed as the declaration of a state policy nor is it intended to commit the Legislature to a policy but shall be understood and construed as an emergency measure in view of existing financial conditions.

Sec. 7. All laws and parts of laws in conflict with the provisions of the foregoing Acts as amended hereby, are hereby repealed.

Sec. 8. The fact that the time for taking scholastic census for the year 1933 is near at hand; and the further fact that the taxpayers of Texas are experiencing the greatest difficulty in history in paying their taxes, thereby depleting the funds in the State Treasury making economy absolutely necessary all down the line; and the fact that the citizens of Texas should, in this hour of crisis, cooperate with the Legislature to curtail the expenditure of public funds and the further fact that free school privilege to all six

year old children is an added burden to the school system, necessitating the addition of physical equipment and other facilities for their care and training, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three separate days be suspended and the same is hereby suspended and that this Act be in force and take effect from and after its passage and it is so enacted.

DeBERRY,  
DUGGAN,  
WOODWARD.

The substitute was read and adopted.

Senator Small sent up the following amendment:

Amend substitute by adding to Section 1:

"Provided that no school district shall be required to admit any person without the payment of tuition when such person has sufficient credits for work done to entitle such person to enter the University of Texas without examination."

SMALL.

Read and adopted by the following vote:

Yeas—17.

Blackert.	Poage.
Cousins.	Purl.
Duggan.	Regan.
Fellbaum.	Russek.
Holbrook.	Sanderford.
Hornsby.	Small.
Martin.	Stone.
Murphy.	Woodward.
Parr.	

Nays—12.

Beck.	Oneal.
Collie.	Pace.
DeBerry.	Rawlings.
Greer.	Redditt.
Moore.	Woodruff.
Neal.	Woodul.

Absent.

Patton.

Absent—Excused.

Hopkins.

Senator Greer sent up the following amendment:

Amend substitute for S. B. No. 24, line 2, Section 1, by striking out the words:

"Amended so as to hereafter read as follows" and by inserting in lieu thereof the following:

"Suspended for two years during which time said Chapter 97 shall read as follows."

GREER.

The amendment was read.

Senator Holbrook moved to table the amendment. The motion prevailed by the following vote:

Yeas—15.

Blackert.	Parr.
Cousins.	Poage.
DeBerry.	Regan.
Duggan.	Russek.
Fellbaum.	Small.
Holbrook.	Stone.
Hornsby.	Woodward.
Martin.	

Nays—12.

Beck.	Pace.
Collie.	Purl.
Greer.	Rawlings.
Moore.	Redditt.
Neal.	Sanderford.
Oneal.	Woodruff.

Absent.

Woodul.

Absent—Excused.

Hopkins.

(Pair Recorded.)

Senator Murphy (present) who would vote yea with Senator Patton (absent) who would vote nay.

Senator Greer sent up the following amendment:

Amend substitute for S. B. No. 24, line 2 of Section 2, by striking out the words:

"Amend so as to hereafter read as follows" and by inserting in lieu thereof the following:

"Suspended for two years during which time said Chapter 20 shall read as follows:"

GREER.

The amendment was read.

Senator Holbrook moved to table the amendment. The motion prevailed.

The bill was passed to engrossment by the following vote:

## Yeas—18.

Beck.	Moore.
Blackert.	Oneal.
Cousins.	Parr.
DeBerry.	Poage.
Duggan.	Regan.
Fellbaum.	Russek.
Holbrook.	Small.
Hornsby.	Stone.
Martin.	Woodward.

## Nays—10.

Collie.	Rawlings.
Greer.	Redditt.
Neal.	Sanderford.
Pace.	Woodruff.
Purl.	Woodul.

Absent—Excused.

Hopkins.

(Pair Recorded.)

Senator Murphy (present) who would vote yea, with Senator Patton (absent) who would vote nay.

On motion of Senator DeBerry the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 24 was put on its third reading and final passage by the following vote:

## Yeas—25.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Regan.
Greer.	Russek.
Holbrook.	Small.
Hornsby.	Stone.
Martin.	Woodul.
Moore.	Woodward.
Murphy.	

## Nays—4.

Neal.	Sanderford.
Redditt.	Woodruff.

Absent.

Patton.

Absent—Excused.

Hopkins.

Read third time and finally passed by the following vote:

## Yeas—17.

Beck.	Oneal.
Blackert.	Parr.
Cousins.	Poage.
DeBerry.	Regan.
Duggan.	Russek.
Fellbaum.	Small.
Holbrook.	Stone.
Hornsby.	Woodward.
Moore.	

## Nays—11.

Collie.	Rawlings.
Greer.	Redditt.
Martin.	Sanderford.
Neal.	Woodruff.
Pace.	Woodul.
Purl.	

Absent—Excused.

Hopkins.

(Pair Recorded.)

Senator Murphy (present) who would vote yea, with Senator Patton (absent) who would vote nay.

## Adjournment.

On motion of Senator Pace, the Senate, at 11:43 o'clock a. m., adjourned until 11:45 o'clock a. m. to-day.

## APPENDIX.

## Committee Reports.

Committee Room,  
Austin, Texas, May 10, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Penitentiaries, to whom was referred

H. B. No. 51, A bill to be entitled "An Act providing that the Board of Pardons and Paroles created by Chapter 45, Acts First Called Session, Forty-first Legislature, shall hereafter sit and have their offices at Huntsville, Walker County, Texas; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PATTON, Chairman.

Committee Room,  
Austin, Texas, May 10, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Penitentiaries, to whom was referred

H. B. No. 475, A bill to be entitled "An Act amending Section 28 of Chapter 212, Acts of the Regular Session, Fortieth Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PATTON, Chairman.

Committee Room,  
Austin, Texas, May 10, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Penitentiaries, to whom was referred

S. B. No. 528, A bill to be entitled "An Act authorizing the Texas Prison Board to exchange by proper deeds of conveyance 1.39 acres of land belonging to the State of Texas, a part of the Texas Prison System, situated in Brazoria County, Texas, for a 1.11 acre tract, belonging to Mrs. Kate Palmer, a feme sole, also situated in Brazoria County, Texas, and adjoining lands belonging to the State of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PATTON, Chairman.

Committee Room,  
Austin, Texas, May 10, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Penitentiaries, to whom was referred

S. B. No. 115, A bill to be entitled "An Act amending Chapter 212, Section 19, page 298, of the Acts of the Regular Session of the Fortieth Legislature, 1927, relating to the removal of prisoners to the penitentiary; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

PATTON, Chairman.

Committee Room,  
Austin, Texas, May 10, 1933.  
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 552, A bill to be entitled

"An Act conferring additional powers on the boards of trustees of independent school districts situated in counties having a population according to the latest Federal census of more than 22,000 and less than 22,100, by providing that the boards of trustees of such districts may issue refunding warrants in lieu of eligible vouchers as defined herein, issued prior to January 1, 1932, prescribing the duties of the boards of trustees in reference to the issuance of said refunding warrants, expressly authorizing and validating said outstanding eligible vouchers and refunding warrants issued in lieu thereof, prescribing the duties of such board of trustees in reference to the levying and collecting taxes to pay the principal and interest of said refunding warrants, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

NEAL, Chairman.

#### SEVENTY-SECOND DAY.

Senate Chamber,  
Austin, Texas,  
May 10, 1931.

The Senate met at 11:45 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Pace.
Blackert.	Parr.
Collie.	Patton.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Redditt.
Greer.	Regan.
Holbrook.	Russek.
Hornsby.	Sanderford.
Martin.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Neal.	Woodul.
Oneal.	Woodward.

Absent—Excused.

Hopkins.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dis-